

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MICHAEL MCINERNEY,

Plaintiff,

v.

EIGHTH JUDICIAL DISTRICT COURT, *et al.*,

Defendants.

Case No. 2:16-cv-00698-MMD-GWF


ORDER

Pending before this Court is Defendant HireRight LLC's ("HireRight") Motion for Partial Dismissal ("Motion") (ECF No. 11). Plaintiff Michael McInerney filed a response (ECF No. 15) and HireRight filed a reply (ECF No. 16). For the following reasons, the Court denies the Motion as moot.

In this Court's Screening Order, the Court permitted Plaintiff to proceed under section 1681li of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681li, for HireRight's purported failure to perform a required reinvestigation into inaccurate information on Plaintiff's credit report based on Plaintiff's allegations that HireRight received inaccurate information from the Eighth Judicial District Court regarding his prior conviction, provided that inaccurate information to a prospective employer, and then denied Plaintiff's dispute when he informed HireRight of the inaccurate information. (ECF No. 4 at 4-5 (citing ECF No. 1-1).) Yet, HireRight's Motion requests dismissal of a claim under section 1681e of the FCRA. (ECF No. 11 at 1.) Because the Court's Screening Order did not allow a claim under that section of the FCRA to proceed, HireRight's Motion is misplaced.

1 It is therefore ordered that HireRight LLC's Motion for Partial Dismissal (ECF No.
2 11) is denied as moot.

3
4 DATED THIS 8th day of November 2017.

5 
6 MIRANDA M. DU
7 UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28